THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.16493 of 2005

DATED:14-09-2005

Between:

Surya Prakash Rao Nukarapu,

S/o. Ramaswamy, Hyderabad ….Petitioner

AND

1. The District Collector, Rangareddy

District at Lakdikapool, Hyderabad

and 8 others …..Respondents

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.16493 of 2005

ORDER:

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This writ petition is filed seeking a direction, in the nature of writ of mandamus, to declare the action of the 3rd respondent viz., the Mandal

Revenue Officer, Moinabad Mandal, in proceeding with the hearing of the case No.B/865/2005 filed by the 9th respondent, as illegal and arbitrary.

The learned Counsel for the petitioner contended that the petitioner is an agreement holder in respect of the disputed land in question, and he paid half of the amount of sale consideration to the respondents 7 and 8 and they also delivered possession of the land to the petitioner. He further submitted that he filed a suit in a Civil Court in respect of the said land for specific performance and the same is pending and the Civil Court has passed the Status-quo order. He further contended that the sale deed alleged to have been executed in favour of the 9th respondent is a collusive document and it is not enforceable and therefore, the action of the official respondents in proceeding with the mutation of the name of the 9th respondent in revenue records as owner of the land in question is illegal and arbitrary. Therefore, he prays to allow the writ petition.

On the other hand, the learned Counsel for the respondents 7 to 9 opposed the same on the ground that the writ petition itself is not maintainable.

The Mandal Revenue Officer is the competent authority to mutate the name of the party in the revenue records as per Sections 3 and 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and therefore, the notice impugned was issued directing the petitioner to appear before him along with documentary evidence, if any available. Therefore, the impugned notice dated 3-6-2005 cannot be said to be contrary to law.

Moreover, mere agreement of sale does not confer any title over the land in question. It is open to the petitioner to put forth his objections, if any, before the Mandal Revenue Officer, in pursuance of the notice dated 3-6-2005.

The writ petition is disposed of leaving open all the remedies available to the petitioner under law. No order as to costs.

K.C.BHANU, J.

DATED: 14-09-2005

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